THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.514 OF 2006

Dated: 06-01-2006

Between

M/s. Exotica Hi-tech Seeds (P) Ltd.,

3-6-307/A/17, Avanti Nagar Colony,

Hyderguda, Hyderabad rep. by

Mr. R.K. Dhar.

...PETITIONER

AND

The Commissioner & Director of

Agriculture, Opp. L.B. Stadium,

Hyderabad and another.

...RESPONDENTS

ORDER:

Learned counsel for the petitioner submits that as against the order of the Joint Director of Agriculture, Warangal in proceedings No.C5/1411/2005 dated 11.08.2005 determining the compensation payable by the Petitioner to the affected farmers amounting to Rs.1,54,750/-, the petitioner filed an appeal before the Commissioner and Director of Agriculture – first respondent on 27.08.2005. The said appeal was returned by proceedings dated 05.10.2005 on the ground that only Rs.50/- was paid instead of Rs.100/- towards the appeal fee. The learned counsel further submits that the petitioner presented the said appeal on 02.11.2005 paying the appeal fee of Rs.100/- but the same was returned by proceedings dated 28.12.2005 on the ground that there is a delay in submitting the appeal.

Admittedly the appeal was submitted within the prescribed time of 30 days but the same was returned on certain objections and the said objections have been complied. Therefore, the delay that has occurred in submitting the appeal while complying with the objections cannot be taken into consideration and the appeal cannot be returned as not filed within the time limit.

Having regard to the facts and circumstances of the case,
the impugned order dated 28.12.2005 returning the appeal is set aside and the first respondent is directed to receive the said appeal preferred by the petitioner, entertain the same and dispose the same in accordance with law.

The writ petition is accordingly allowed.

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V. ESWARAIAH, J

January 6, 2006

DSK